

### REMARKS

Claims 1-10 remain pending in this application for which applicant seeks reconsideration.

#### Interview

Applicant made numerous attempts to schedule an interview with the examiner but was unable to reach the examiner. The examiner's SPE indicated that the examiner is unavailable. When the examiner returns, or if this application is reassigned to another examiner, applicant requests an interview to discuss Matsumoto vis-a-vis the claimed invention as it appears that the examiner has misunderstood what Matsumoto discloses.

#### Art Rejection

Claims 1-10 now stand rejected under 35 U.S.C. § 102(b) as anticipated by Matsumoto (USPGP 2001/0023633) because the examiner asserts that applicant has not provided specific reasoning why Matsumoto's Fig. 6 does not read on the claimed feature as Matsumoto discloses a controller and Fig. 6 shows each of the staff tiers being apportioned so that each of the measures is positioned only on a single staff tier and not spanning across multiple staff tiers.

According to the examiner, Matsumoto's Fig. 6 illustrates a scenario where each of the measures is positioned only on a single staff tier and not spanning across multiple staff tiers. Applicant disagrees with the examiner's assessment because Figs. 3 and 6 illustrate a music score having different instrument parts (1-5) displayed in multiple tiers, with each instrument part displayed (scrolled) only along a single tier. In contrast to the examiner's understanding, Fig. 6 discloses displaying only a portion DP3 inside the dashed lines of the scrolling music score:

In addition, if a musical score is enlarged for detail view in order to adjust symbol positions or the number of staves increases as with a large orchestral score for example, **all the score information cannot be accommodated in the display area.** FIG. 3 shows an example of such a large score. [Matsumoto, ¶ 36, lines 6-11].

FIG. 6 illustrates the method of displaying musical score data according to the embodiment 1 of the present invention as shown in FIG. 5. In the example shown in FIG. 6, if musical score data MD within a range starting with display start time t1 and display part 2 are to be displayed on the display area (window) on the display 14, there are, as auxiliary display data AD valid for this display range, part numbers (parts 2 through 5), clefs, key signatures, and time signatures on the left side, a page number (10) and a tempo notation in the upper left side, and repeat signs and lyrics on the top side.

However, these information is not included in the musical score data of the range to be displayed. In such a case, the auxiliary area determination block ND determines that the display area be divided horizontally and vertically. In accordance with the determination for dividing the display area, the musical score data MD in main display range DP0 between the display start time t1 and the display end time t2 are displayed in the main display area MA as shown in FIG. 5, and the auxiliary display data AD in a first auxiliary range DP1, a second auxiliary range DP2, and a third auxiliary range DP3 are displayed in the lower left auxiliary display area LL, the upper left auxiliary display area LU, and the upper right auxiliary display area UR, respectively. [Matsumoto, ¶ 40].

Matsumoto calls for scrolling the music score so that only the part DP3 inside the dashed line (as illustrated in Fig. 5) is displayed at a given time. Figs. 5 and 6 clearly illustrate the last measure displayed being cut off. That is, the last displayed measure displays only a segment of a full measure. Because Matsumoto discloses a single continuous tier that is scrolled, Matsumoto is not concerned at all with varying the measures or having the same measure divided into multiple tiers. Matsumoto simply fails to disclose varying the length of any of the measures to enable the last displayed measure (rightmost measure of each tier) to display a full measure. Indeed, because Matsumoto's measures have a fixed predetermined length, it is not possible to vary the length of any measurement to enable any of the measures to be apportioned so that each tier ends in a full measure, without its last measure spanning across multiple tiers, as set forth in independent claim 1, 6, 9, and 10.

#### Conclusion

Applicant submits that claims 1-10 patentably distinguish over the applied reference and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicant urges the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

ROSSI, KIMMS & McDOWELL LLP

/Lyle Kimms

LYLE KIMMS

REG. NO. 34,079 (RULE 34, WHERE APPLICABLE)

P.O. Box 826

ASHBURN, VA 20146-0826

703-726-6020 (PHONE)

703-726-6024 (FAX)

18 NOVEMBER 2008

DATE